

FILED IN OPEN COURT

NOV 21 2022

CHARLES R. DIARD, JR.
CLERK

JDR

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA	*	CRIM. NO. 22-00144-TFM
	*	USAO NO. 22R00395
v.	*	
	*	VIOLATIONS: 18 USC § 922(g)(1)
KERRY LAMARK PACKER and	*	
KELVIN CLINTON HICKS	*	

SUPERSEDING INDICTMENT

THE GRAND JURY CHARGES:

COUNT ONE

Possession of a Firearm by a Prohibited Person (Felon)
Title 18, United States Code, Section 922(g)(1)

On or about January 29, 2022, in the Southern District of Alabama, Northern Division, the defendant,

KERRY LAMARK PACKER,

knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one (1) year, namely, Possession of Cocaine on January 9, 2003 in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida, case number 02-006495-CF; Possession of Cocaine on April 26, 1999 in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida, case number 98-003431-CF; and Sale of Cocaine and Possession of Cocaine with Intent to Sell on November 14, 1997 in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida, case number 97-10942-CF, did knowingly possess, in and affecting commerce, a firearm, namely, an FNH USA, model FNS-9C, 9mm pistol, serial number CSU0053256, which was loaded with thirteen (13) rounds of

9mm ammunition; and a Stag Arms, model Stag-15, 5.56mm rifle, serial number 276494, which was loaded with thirty (30) rounds of .223 caliber ammunition.

In violation of Title 18, United States Code, Section 922(g)(1).

COUNT TWO
Possession of a Firearm by a Prohibited Person (Felon)
Title 18, United States Code, Section 922(g)(1)

On or about January 29, 2022, in the Southern District of Alabama, Northern Division, the defendant,

KELVIN CLINTON HICKS,

knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one (1) year, namely, Conspiracy to Possess with Intent to Distribute at Least Five Kilograms or More of Cocaine and Knowingly Carrying a Firearm in Furtherance of a Drug Trafficking Crime on April 7, 2004 in the United States District Court for the Southern District of Florida, case number 03-60146-CR-ZLOCH; Sale of Cocaine on October 17, 1996 in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida, case number 96-06841-CF; Sale of Cocaine on January 19, 1995 in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida, case number 94-11363-CF; Sale of Cocaine on October 8, 1993 in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida, case number 93-08775-CF; Robbery on January 30, 1992 in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida, case number 91-13941-CF; Sale of Cocaine on August 2, 1991 in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida, case number 91-8407-CF; Sale of Cocaine on August 2, 1991 in the Circuit Court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida, case number 91-7915-CF; and Robbery on October 5, 1990 in the Circuit Court of the Fifteenth Judicial

Circuit in and for Palm Beach County, Florida, case number 90-1004-CF, did knowingly possess, in and affecting commerce, a firearm, namely, an FNH USA, model FNS-9C, 9mm pistol, serial number CSU0053256, which was loaded with thirteen (13) rounds of 9mm ammunition; and a Stag Arms, model Stag-15, 5.56mm rifle, serial number 276494, which was loaded with thirty (30) rounds of .223 caliber ammunition.

In violation of Title 18, United States Code, Section 922(g)(1).

SENTENCING ALLEGATION
Title 18, United States Code, Section 924(e)(1)

Before the defendant,

KELVIN CLINTON HICKS,

committed the offense charged in Count Two of this Superseding Indictment, he had at least three previous convictions for offenses committed on occasions different from one another.

FORFEITURE NOTICE

The allegations contained in Counts One and Two of this Superseding Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c).

Upon conviction of the offense in violation of Title 18, United States Code, Section 922(g)(1) set forth in Count One of this Superseding Indictment, the defendant,

KERRY LAMARK PACKER,

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), any firearm or ammunition involved in or used in or used in any knowing violation of Title 18, United States Code, Section 922(g), including, but not limited to:

1. One (1) FNH USA, model FNS-9C, 9mm pistol, serial number CSU0053256;
2. One (1) Stag Arms, model Stag-15, 5.56mm rifle, serial number 276494;
3. Thirteen (13) rounds of 9mm ammunition; and
4. Thirty (30) rounds of .223 caliber ammunition.

Upon conviction of the offense in violation of Title 18, United States Code, Section 922(g)(1) set forth in Count Two of this Superseding Indictment, the defendant,

KELVIN CLINTON HICKS,

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), any firearm or ammunition involved in or used in or used in any knowing violation of Title 18, United States Code, Section 922(g), including, but not limited to:

1. One (1) FNH USA, model FNS-9C, 9mm pistol, serial number CSU0053256;
2. One (1) Stag Arms, model Stag-15, 5.56mm rifle, serial number 276494;
3. Thirteen (13) rounds of 9mm ammunition; and
4. Thirty (30) rounds of .223 caliber ammunition.

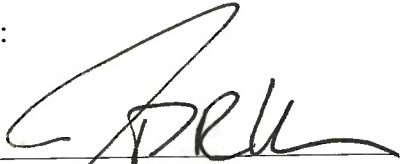
All pursuant to Title 18, United States Code, Section 924(d) and Title 28 United States Code, Section 2461(c).

A TRUE BILL

FOREMAN UNITED STATES GRAND JURY
SOUTHERN DISTRICT OF ALABAMA

SEAN P. COSTELLO
UNITED STATES ATTORNEY

By:

A handwritten signature in black ink, appearing to read "J. Roller", written over a horizontal line.

JUSTIN D. ROLLER
Assistant United States Attorney

A handwritten signature in blue ink, appearing to read "Sean P. Costello", written over a horizontal line.

SEAN P. COSTELLO
Chief, Criminal Division

NOVEMBER 2022